



INTERIOR BOARD OF INDIAN APPEALS

L & O Power Coop. v. Assistant Secretary - Indian Affairs

7 IBIA 110 (12/20/1978)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ADMINISTRATIVE APPEAL OF L & O POWER COOPERATIVE

v.

ASSISTANT SECRETARY, INDIAN AFFAIRS,
U.S. DEPARTMENT OF THE INTERIOR

IBIA 79-8-A

Docketed and Dismissed December 20, 1978

Under date of November 28, 1978, L & O Power Cooperative, through its attorneys, Denholm & Glover, filed with this Board a notice of appeal from the decision of M. E. Seneca, Jr., Acting Assistant Secretary for Indian Affairs, dated November 2, 1978, sustaining the Aberdeen Area Director's decision of May 16, 1978, not to grant a right-of-way over Flandreau Indian School lands.

A review of the record received by the Board on December 19, 1978, indicates the Decision of November 2, 1978, constituted final Agency action and is not subject to further administrative review.

In view of the finality of the Secretarial decision of November 2, 1978, the appeal must be, and the same is hereby dismissed for lack of jurisdiction.

//original signed

Alexander H. Wilson
Chief Administrative Judge

I concur:

//original signed

Mitchell J. Sabagh
Administrative Judge